

She continued: "Since that day, I have lived with this act and many others eating into my heart and soul. For me, a physician is a professional charged with the care of the healing of his or her fellow human beings. The primary ethical norm is, do no harm. I did worse. I caused death. Instead of using a clumsy, bloody weapon," those are her word, "Instead of using a clumsy, bloody weapon, I used the simplest, cleanest of tools, my words. This man died because I denied him a necessary operation to save his heart.

"I felt little pain or remorse at the time. The man's faceless distance," remember that 1-800 number that Lamona Adams, little Jimmy's mother, had to phone, "because of that faceless distance, it soothed my conscience. Like a skilled soldier, I was trained for the moment. When any moral qualms arose, I was to remember I was not denying care, I was only denying payment."

She continued: "At the time, this helped me avoid any sense of responsibility for my decisions. Now I am no longer willing to accept the escapist reasoning that allowed me to rationalize this decision. I accept my responsibility now for this man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused."

At this point, Mrs. Peeno described many ways that health care plans deny care, but she emphasized one in particular, the right to decide what care is medically necessary.

She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used," she continued, "It is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or the members of the plan. And we have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry."

Mr. Speaker, the man who cut off Mary Vincent's arms sits on death row, but HMOs which deny care with similar consequences, what happens to them? They increase their profits. Under Federal laws, HMOs can cause a Jimmy Adams to lose his hands or his feet, and then they can justify their decision by defining "medically necessary" any way they choose.

When I think of Mary Vincent and Jimmy Adams, I rail at the injustice of their pain, but at least in Mary Vincent's case we know that her attacker is getting his just due, his just deserts.

But does it not send a chill up our spine to hear an HMO medical reviewer describe how she caused the death of a

man, and then got rewarded for it? Does it not cause a sense of outrage to find out that for years Congress has been shielding health plans from the consequences of their decisions like those that affected Jimmy Adams?

It is time for Congress to defuse the smart bomb of HMOs. It is time for Congress to repeal the liability protection for ERISA health plans. They should function under the same liability that insurers in the individual market operate under, under regulations that would prevent tragedy like this.

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Those protections should apply, Mr. Speaker, to everyone.

Now, Mr. Speaker, personal responsibility has been a watchword in this Republican Congress and should be applied to this issue. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole, and Congress should fix it.

So I have now come full circle to what brings me to the floor tonight. I find us at a crossroads. HMO reform will either suffer slow legislative death as the House continues to do nothing, or we will take our responsibility for past congressional mistakes and pass a bill like my Managed Care Reform Act of 1999, H.R. 719.

I urge my colleagues to cosponsor H.R. 719, the Managed Care Reform Act of 1999. It would fix the type of conditions that have caused this type of loss to a little boy.

This bill is endorsed by the American Cancer Society and other consumer groups. It is endorsed by many professional groups, including the American Academy of Family Physicians. This weekend, it was endorsed by the American College of Surgeons.

Mr. Speaker, I beg my colleagues, no I implore my colleagues, we cannot let even one more little boy or girl become a victim for the sake of making profits for an HMO. Let us have a fair debate under an open rule on the floor of this House by the July 4th recess. We should all be for the little guy. We should not be in the pockets of the HMO corporate CEOs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. WATERS (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for Monday, June 7, and Tuesday, June 8, on account of official business.

Mr. ROGERS (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. BLILEY (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on June 8 and June 9.

Mr. GUTKNECHT, for 5 minutes, on June 9.

Mr. ISAKSON, for 5 minutes, on June 9.

Mr. JONES of North Carolina, for 5 minutes, on June 8.

Mr. THORNBERRY, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1121. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.